

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:) Group Art Unit: 1634
North)
Serial No.: 10/527,831) Examiner: Pohnert, Steven
Filed: January 9, 2006)) Confirmation No.: 1014
Atty. File No.: 5517-19))
For: ACTN3 GENOTYPE))
SCREEN FOR ATHLETIC))
PERFORMANCE)) Electronically Filed

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

On February 4, 2009, the undersigned attorney had an Examiner's interview with Examiner Steven C. Pohnert. During the course of the interview, the rejection under 35 U.S.C. § 101 was discussed along with proposed amendments suggested by applicant's attorney for overcoming the rejection. Although the Examiner suggested that the proposed amendments would appear to overcome the rejection, the Examiner noted that specific claim language would have to be reviewed upon submission of an amendment.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: /Gary J. Connell/
Gary J. Connell
Registration No. 32,020
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: February 16, 2009